

3778. Misbranding of cider vinegar. U. S. v. 12 Cases, etc. (F. D. C. No. 32565. Sample Nos. 23423-L, 23430-L.)

LIBEL FILED: March 7, 1952, Southern District of New York.

ALLEGED SHIPMENT: In the latter part of the year of 1951 and the early part of the year of 1952, from Sterling, Mass.

PRODUCT: 38 cases, each containing 24 1-pint bottles, and 1 case, containing 8 1-quart bottles, of cider vinegar at New York, N. Y., together with a number of pamphlets entitled "Sterling True Cider Vinegar for Sterling Health."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the pamphlet accompanying the articles were false and misleading. The statements represented and suggested that the article would maintain good health and restore health when impaired by many types of sickness; that it would promote vigorous health, reduce overweight, and neutralize the effects of prolonged physical and mental work; that it would offset chilling of the body by cold, emotional upsets, worry, and the effects of foods and drugs that produce an alkaline reaction of the urine, which effects are the background on which sickness develops; that it would correct menorrhagia; that it would cause blood from cuts to clot rapidly; that it would help to prevent and cure the common cold and help to normalize the body chemistry; that it would prevent sickness and maintain an acid reaction of the urine; that it would lessen putrefactive bacteria and improve the health of the digestive tract; that it would be effective for athlete's foot, poison ivy, sore throat, hay fever, and canker sores; and that it would prevent sunburn and enable one to better withstand summer heat. The article would not be effective for such purposes.

The article was misbranded while held for sale after shipment in interstate commerce.

DISPOSITION: April 22, 1952. Default decree of condemnation. The court ordered that the product be distributed to charitable institutions and that the pamphlets be destroyed.

3779. Misbranding of Air-Ozone device. U. S. v. 34 Devices, etc. (and 4 other seizure actions). (F. D. C. Nos. 32537, 32570 to 32573, incl. Sample Nos. 16576-L, 32696-L to 32699-L, incl.)

LIBELS FILED: March 13 and 17, 1952, District of Kansas and Southern District of Illinois.

ALLEGED SHIPMENT: On or about August 2, October 17, November 10, and December 11, 1951, and January 2 and 12, 1952, and other dates which are unknown, by the Air-Ozone Co. of Arizona, from Tucson, Ariz., and by Clarence A. Yackley, an agent of the company, from Phoenix, Ariz.

PRODUCT: 34 *Air-Ozone devices* and a number of booklets entitled "Ozone Therapy," "Ozone For Better Health," and "Ozone God's Gift to Humanity" at Wichita, Virgil, Sabetha, Gridley, Newton, Fort Scott, and Lamont, Kans., and Peoria, East Peoria and Peoria Heights, Ill.

Each device consisted of a group of 8 glass tubes connected together electrically to a control box. When the device was plugged into an electrical outlet and put in operation, the tubes would glow and emit light energy of various wave lengths, with production of ozone in the surrounding air.

LABEL, IN PART: "Air-Ozone * * * Ozone Generator * * * Air-Ozone Company of Arizona * * * Tucson, Arizona."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the booklets accompanying the article were false and misleading. The statements represented and suggested that the device would assist health, prevent disease, and act as a specific in many diseases; that it was effective for adenitis, swelling of the breasts, angina pectoris, alopecia, falling of the hair, arthritis, asthma, arteriosclerosis, backache, biliousness, bronchitis, bursitis, colitis, colds, sore chest, constipation, dandruff, deafness, erysipelas, earache, eczema, high blood pressure, indigestion, jaundice, leucorrhea, mumps, nervousness, pleurisy, prostate trouble, pneumonia, pelvic disturbances, psoriasis, quinsy, sore throat, rheumatism, rectal disturbances, sleeplessness, sinus trouble, tuberculosis, varicose veins, and wrinkles; that it would prevent radiation disease and germ disease; that it was effective for severe skin burn, eye injury, kidney disturbances, and heart attack; that it was effective to build health, promote longevity, relieve all kinds of disease, and prevent cancer; and that it was effective in the treatment of carbon monoxide poisoning, diabetic ulcer, and shingles. The device was not capable of fulfilling the promises of benefit made for it, and it was not effective for the purposes stated and implied.

DISPOSITION: April 10 and May 19, 1952. Default decrees of condemnation. The court ordered that the devices be delivered to the Food and Drug Administration.

3780. Misbranding of Therm-Massage infrared heat applicators and hair and scalp kits. U. S. v. 221 Cartons, etc. (F. D. C. No. 32216. Sample Nos. 22851-L, 22852-L.)

LIBEL FILED: December 6, 1951, Southern District of New York.

ALLEGED SHIPMENT: On or about September 7 and 10, 1951, by Sibert & Co., from Newark and Fair Lawn, N. J.

PRODUCT: 221 cartons each containing 1 *Therm-Massage infrared heat applicator* and 27 *hair and scalp kits*, at New York, N. Y., together with a number of circulars headed "Amazing New Scientific Invention Uses Powerful Infra-Red heat Plus Massage" and "Now! You can help to stop Baldness" and a scroll headed "The Famous Sibert Hair and Scalp Conditioner."

The *Therm-Massage infrared heat applicator* consisted of two pieces of molded bakelite, one serving as a handle and the other containing an electrically heated coil. The *hair and scalp kit* was a combination package containing 1 *Therm-Massage infrared heat applicator*, 2 small scalp massagers, and 1 jar of a salve.

RESULTS OF INVESTIGATION: The circulars were shipped with the consignment of devices which was shipped on September 10, 1951. Some of the circulars were displayed in the dealer's window with the products, and others were retained to be given to purchasers inquiring about the products. The scroll was made by the dealer and was displayed in his window.